



2002 Indiana Election Legislation Summary

Prepared by the Indiana Election Division

This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 2002. Bills may be obtained by contacting the Legislative Information Center at 200 West Washington Street, Ste. 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or by downloading documents from the Access Indiana homepage: www.state.in.us/legislative.

The 2002 Regular Session of the Indiana General Assembly enacted the following election-related bills:

- **P.L. 37-2002 (House Enrolled Act 1033):** Redistricting Technical Corrections
- **P.L. 126-2002 (House Enrolled Act 1101):** Various Election Law Changes
- **P.L. 174-2002 (House Enrolled Act 1104):** Town Council Vacancies
- **P.L. 178-2002 (House Enrolled Act 1196):** Voting System Finance
- **P.L. 187-2002 (Senate Joint Resolution 12):** Proposed Constitutional Amendment: Terms of Office of Local Elected Officials
- **P.L. 170-2002 (Senate Enrolled Act 399):** Adjusting Census Numbers in Statutes

NOTES:

1. **Almost all important election law changes are effective January 1, 2003.**
2. **Public Law 107-155 (HR 2356), the campaign reform amendments to the Federal Election Campaign Act of 1971, was signed into law on March 27, 2002. This is federal legislation (not state legislation) and is beyond the scope of this summary. This legislation is scheduled to take effect November 6, 2002.**
3. **There were three additional bills that made technical amendments to the election code: P.L. 1-2002 (SEA 216)- technical corrections; P.L. 2-2002 (SEA 57)- recodification of property law; and P.L. 90-2002 (SEA 357)- renaming state board of tax commissioners.**

4. There were two other proposed state constitutional amendments for the November 2004 ballot: P.L. 188-2002 (HJR 2)- Governor vacancy; and P.L. 189-2002 (HJR 9)- inventory tax.

VOTING PROCEDURES

In-Person Absentee Voting

An otherwise qualified voter of the county can cast an absentee ballot in person in the office of the circuit court clerk or a satellite office. A voter is no longer required to attest that the voter is confined, a voter with disabilities, elderly, working at the polls in a precinct other than where the voter resides, absent from the county on election day, or working during the entire time the polls are open. The amendments relating to voting in the clerk's office or at a satellite facility do not apply to absentee voting by mail or by traveling board. (HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-11-4-1; 3-11-4-2; 3-11-4-18; 3-11-10-24; 3-11-10-25; 3-11-10-26)

Absent Uniform Services Voter, Overseas Voter and Address Confidentiality Program Participants

The definition of absent uniformed services voter now includes a member of the Indiana National Guard deployed outside Indiana. These voters will be entitled to all the rights afforded any other absent uniformed services voter.

An absent uniform services voter (or the voter's spouse or dependent) may apply to register after registration closes but before preparation of the poll list if the voter:

1. is otherwise entitled to vote in Indiana;
2. is absent from Indiana during the previous registration period;
3. returns to Indiana after the close of registration but before preparation of the poll list;
4. shows the county registration office a discharge dated on or after the beginning of the preceding registration period or a government movement with a reporting date on or after the beginning of the preceding registration period; and
5. completes a registration application

The person is then entitled to vote in the upcoming election.

An absent uniform services voter (or the voter's spouse or dependent) may apply to register to vote after the poll list is printed until noon election day if the voter:

1. complies with (1) and (2) above;

2. returns to Indiana after preparation of the poll list but before noon election day;
3. shows the county registration office a discharge dated on or after the beginning of the preceding registration period or a government movement order with a reporting date on or after the beginning of the preceding registration period;
4. completes a registration application;
5. signs an affidavit that the voter has not voted at any other precinct in the election.

This voter is then entitled to vote in the upcoming election at the office of the circuit court clerk any time after the voter registers but before noon election day. If the person votes in the upcoming election, then the circuit court clerk certifies that the voter registered under this statute and attaches the certification to the voter's absentee ballot envelope.

The county election board delivers these certificates by courier to the precinct election boards at the polls on election day. The inspector attaches the certificates to the poll list in the presence of the poll clerks and the poll clerks sign a statement indicating that the inspector did so. If the person does **not** vote in the upcoming election then the circuit court clerk delivers the voter's registration application to the board of registration (if applicable). The voter is registered effective the first day of the next registration period. (HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-5-2-1.5; IC 3-7-36-11; 3-7-36-14; 3-11-4-3; 3-11-10-16; 3-11.5-4-8; 3-11.5-4-9; 3-11.5-4-24)

An absentee ballot application for the primary submitted by an overseas voter that indicates the voter does not expect to be in the county on general election day and on the date of any special election conducted during the 12 months following the date of the application is considered an application for any election during the 12 months following the application. This application must show that the voter was a resident and otherwise qualified to vote in the precinct where the voter resided before leaving the U.S.

The county election board shall send and receive absentee ballots by fax from an absent uniform service voter or overseas voter if the voter: 1) requests to receive and submit an absentee ballot by fax; and 2) signs and dates a statement on the cover of the fax that states: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." If the voter requests to receive and submit an absentee ballot by fax then the fax number to which the ballot is faxed shall be recorded by the clerk's office with the other information recorded about absentee ballot application. The county election board shall send, not later than the end of the first business day after the absentee ballot is received, confirmation to the voter that the ballot was received to the fax number the voter provides for this purpose or via email if the voter provides an email address (or, if

no fax number or email is provided, then by U.S. mail). Voters submitting absentee ballots by fax do not have to mark their ballot in secret and seal the ballot into an absentee ballot envelope for delivery.

The person receiving absentee ballots by fax shall: 1) note receipt of the ballot in the records as other absentee ballots; 2) fold each ballot received separately to conceal the marking; 3) enclose the ballot in a blank absentee envelope and secure the envelope (The faxed ballot may not be rejected because the ballot was sealed in the absentee ballot envelope by the person designated by the clerk to receive the ballots); 4) securely attach the faxed affidavit received with the ballot to the envelope; and 5) mark on the envelope "Absentee Ballot Received by FAX".

The county election board (or absentee voter board in the office of the clerk) shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the application for the absentee ballot. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter. Once the ballot is sent to the precinct, the inspector shall compare the signature on the absentee ballot application with the signature on the affidavit attached to the ballot envelope. Otherwise, absentee ballots received by fax shall be handled and processed as other absentee ballots.

In counties where absentee ballots are counted at a central location, the absentee ballots arriving by fax after noon on election day may not be counted. The county election board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the application for the absentee ballot. The list of voters who have voted absentee by fax will be included in the certified list of voters who have voted absentee that is delivered to the precinct by couriers. Once the inspector has marked the poll list from this list in the presence of the poll clerks, and the poll clerks have signed the statement on the certificate indicating that the inspector has done so, the certificate shall be enclosed in an envelope with the other certificates regarding absentee voters, and any challenge affidavit concerning the ballots, for delivery by the couriers to the county election board. Once the couriers return with the list signed by the poll clerks, the absentee ballot counters shall open the envelope containing the absentee ballots and compare the signature on the absentee ballot application with the signature on the transmitted affidavit.

(HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-5-4-6; 3-11-4-7; 3-11-4-8; 3-11-4-17; 3-11-4-22; 3-11-10-1; 3-11-10-1; 3-11-10-4; 3-11-10-5; 3-11-10-6; 3-11-10-8; 3-11-10-14; 3-11-10-16; 3-11-10-7; 3-11.5-2-5; 3-11.5-4-4; 3-11.5-4-5; 3-11.5-4-10; 3-11.5-4-11; 3-11.5-4-13)

Provisional Voting

Provisional voting is an additional fail-safe method of voting for certain people. If a person is qualified to cast a provisional ballot, then the person casts a ballot that is kept separate from all other ballots and submitted to a separate verification process before it may be counted.

The election division will print and distribute paper provisional ballots to counties. Provisional ballots prepared by the election division shall include candidates for president, U.S. senate, U.S. representative, state offices, statewide public questions and judicial retention questions. Provisional ballots shall be prepared by the election division upon the certification of candidates to the counties and delivered to each circuit court clerk (or the Lake County Director of Elections) separate from other paper ballots and not later than 45 days before a primary, general or municipal election (or 29 days before a special election).

The county election board shall prepare provisional ballots for all other offices on the ballot in the county in the number it considers necessary. The circuit court clerk shall estimate the number of provisional ballots that will be required in the county for the election not less than 60 days before an election (or more than 3 days after the date a special election is ordered).

The county election board shall print the provisional ballots immediately after the estimate is performed and the ballots shall be delivered to the circuit court clerk not later than 45 days before a primary, general or municipal election (or 29 days before a special election) in a package plainly marked or labeled with the words: "This package contains _____ (giving the number of ballots) provisional ballots." Each provisional ballot shall bear the clerk's signature and seal. The county election board shall provide each precinct election board with envelopes marked "Provisional Ballot" in which a provisional voter places the voter's provisional ballot and an outer envelope marked "Provisional Ballots" in which the provisional ballots with the attached affidavit of the voter (and any challenge affidavit) shall be placed.

The county election board will deliver provisional ballots to the inspector in a tightly closed, securely fastened, strong and stout paper envelope or bag separate from the other ballots. The envelope or bag containing the provisional ballots shall be attested by the initials of the clerk or clerk's designee in the presence of the inspector or inspector's representative and the inspector shall sign a receipt for the provisional ballots. The provisional ballot packages may not then be opened until they have been delivered to the precinct election board to which they are directed and the precinct election board is fully organized and ready to receive votes.

A provisional ballot must be in the same form as an absentee ballot, containing the offices appropriate for the election and precinct to which the ballot pertains, but must indicate that the ballot is a provisional ballot and not an absentee ballot.

A person who does not appear on the registration record and who does not otherwise qualify to vote under one of the various fail-safe provisions in the

Indiana Code (IC 3-7-48, 3-10-10, 3-10-11-2, or 3-10-12) may cast a provisional ballot if the voter executes an affidavit stating: 1) the person is a legal voter of the precinct; 2) the person registered to vote; and 3) the location where the person believes the person registered to vote.

Unless otherwise specified, the procedures that apply to paper ballots apply to provisional ballots. A provisional voter shall seal the ballot in an envelope marked "Provisional Ballot" supplied by the county election board. The affidavit executed by the provisional voter (and any affidavit by a challenger) shall be attached to the provisional ballot envelope. The provisional ballot with attached affidavit(s) shall then be placed in an outer envelope marked "Provisional Ballots." At the close of the polls, the precinct election board shall seal all the provisional ballots and any spoiled provisional ballots in the outer envelope and mark on the outer envelope the number of provisional ballots inside. The inspector shall return the outer envelope to the circuit court clerk.

Each county election board shall appoint teams of provisional ballot counters consisting of 2 voters of the county, one from each of the major political parties. A provisional ballot counter must have the same qualifications as a member of an absentee voter board. The county election board shall notify the major party county chairs of the need for appointments 10 days before the election. The county chair shall recommend provisional ballot counter appointees in writing no later than noon 3 days before the election and the county election board shall appoint the provisional ballot counters recommended. If the county chairman fails to make any recommendations, the county election board may appoint any voters of the county. In a "central count" county, a person can serve as both an absentee ballot counter and a provisional ballot counter.

The location where provisional ballots are counted shall be treated the same as a precinct and the counters shall be treated the same as a precinct election official. Political parties and independent parties, candidates, and the media are entitled to watchers with the same rights, and are subject to the same requirements, as precinct watchers.

Provisional ballots shall be counted not later than noon on the Monday following the election. The county election board shall count a provisional ballot if the board finds all of the following: 1) the provisional voter affidavit is properly executed; 2) the provisional voter is a qualified voter of the precinct; 3) the provisional voter registered to vote at a registration agency on a date within the registration period. In determining whether the provisional voter registered at a registration agency, the county election board shall consider all information available, including: 1) information provided by the provisional voter; 2) information contained in the county's voter registration records; and 3) information contained in the statewide voter registration file. If the provisional voter provided information regarding the registration agency where the provisional voter claims to have registered then the county election board may not find that the voter did not register unless: 1) the board makes an actual

inquiry with the registration agency identified; and 2) the registration agency informs the board that it has no record of the provisional voter's registration.

If the board fails to find: 1) the provisional voter affidavit is properly executed; 2) the provisional voter is a qualified voter of the precinct; 3) the provisional voter registered to vote at a registration agency on a date within the registration period in the foregoing paragraph then the provisional ballot envelope may not be opened, the ballot may not be counted, and the ballot envelope shall be marked with the notation: "Provisional ballot determined invalid." If the board finds all of the foregoing then the ballot envelope shall be opened, the outer envelope shall be marked to identify the precinct and the date of the election, and the ballot shall be counted unless the ballot does not contain the initials of the poll clerks. If the ballot does not contain the initials of the poll clerks the ballot shall, without being unfolded, be endorsed with the word "Rejected." All rejected provisional ballots shall be enclosed and securely sealed in an envelope marked "Rejected Provisional Ballots."

The valid provisional ballots printed by the election division shall be counted before those printed by the county election board. In counting the provisional ballots each ballot shall be laid upon a table in the order in which the ballots were opened and a provisional ballot counter shall read the name of the candidates voted from on the ballot while a member of the county election board (or the member's representative) that is not of the same party as the provisional ballot counter views the ballot as the names are read. During the counting of provisional ballots, a member of the county election board (or a member's representative) may protest the counting of any ballot or any part of a ballot. If the provisional ballot counters cannot agree on whether to count a ballot after this protest then the question shall be referred to the county election board for decision. Following the decision by the provisional ballot counters or the county election board the counters shall sign each protested ballot and mark on the back of the protested ballot the word "counted" or "not counted", as appropriate.

A provisional ballot counter may not count provisional ballots for one precinct while counting provisional ballots for another precinct. If a county has appointed more than one set of provisional ballot counters then a set of counters may count provisional ballots in one precinct while another set of counters count provisional ballots in another precinct.

When the provisional ballots have been counted, the counters shall prepare a certificate stating the number of votes that each candidate received for each office and the votes cast on each public question and deliver the certificates and tally papers to the county election board immediately upon the tabulation of the vote in each precinct. The counters shall make and sign a similar certificate for the news media and deliver it to the circuit court clerk who shall deliver it to any person designated to receive the certificate before the closing of the polls. The counters shall prepare a memorandum of the total votes cast for each candidate and on each public question and ensure that each member of the county election board receives a copy of the memorandum. The counters, in the presence of the

county election board, shall: 1) place all provisional ballots whether voted, spoiled, determined invalid or rejected, including all executed affidavits related to the provisional ballots and all tally papers, in a strong paper envelope or bag; 2) securely seal the envelope or bag; 3) initial the envelope or bag; 4) mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast; 5) deliver the envelope or bag to the circuit court clerk and notify the clerk of the number of ballots placed in the envelope or bag.

Upon delivery of the envelope or bag to the circuit court clerk, each counter shall sign an oath before the clerk that the counter: 1) kept the ballots and papers in the envelope or bag secure; 2) did not permit any person to open the envelope or bag or otherwise touch or tamper with the ballots; and 3) has no knowledge of any other person opening the envelope or bag. The circuit court clerk shall then place the envelope or bag in a receptacle provided by the county executive with two different locks, lock the receptacle, retain one key to the lock, and give one key to the lock to the member of the county election board who is not a member of the same political party as the clerk. The receptacle shall be preserved and disposed in the same manner as other election materials kept under seal.

(HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-5-2-40.6; 3-5-2-40.7; 3-5-3-41.7; 3-5-4-8; 3-7-48-1; IC 3-11-3-2; 3-11-3-6; 3-11-3-11; 3-11-3-12; 3-11.7 [New])

VOTER REGISTRATION

Clarification of Voter Identification Number

For new voter registrations, a voter must provide a voter identification number. The voter identification number is the driver's license number or identification number issued by the Indiana Bureau of Motor Vehicles. The amendment makes it clear that if a person does not have a driver's license number or identification number issued by the Indiana Bureau of Motor Vehicles then the person **must** provide the last four digits of their social security number as a voter identification number. (HEA 1101; Effective date: July 1, 2002; Citations affected: IC 3-7-13-13)

POLL WORKERS AND PRECINCTS

Poll Workers

A county election board may, by unanimous vote of its entire membership, adopt a resolution to omit the offices of sheriff and poll clerk in specified precincts or all the precincts of the county. The resolution must identify: 1) the precincts to which it applies; 2) the precinct election officers that are omitted; and 3) the precinct officers who will perform the function of the omitted precinct officer. The resolution expires December 31 in the year it was adopted. Former law that the

county executive may issue an order eliminating the office of sheriff and providing for judges to perform the duties of the sheriffs was repealed.

A person 16 or 17 years of age may serve as a poll clerk or election sheriff if the person; 1) is a citizen of the U.S.; 2) is a resident of the county; 3) has a cumulative grade point average equivalent of no less than 3.0 on a 4.0 scale; 3) has written approval of the principal of the school the person attends; 4) has the approval of the person's parent or guardian; and 5) satisfactorily completes any training required by the county election board.

The county election board may adopt a resolution **not later than 28 days** (prior statute provided 21 days) before election day designating the precincts for which assistant clerks are to be appointed. The county chairman of a major party may nominate persons to serve in a precinct election office (inspector, judge, poll clerk, assistant poll clerk and election sheriff) **not later than noon 21 days** (prior statute provided noon 14 days) before election. If the county chairman fails to make nominations not later than noon 14 days (prior statute provided noon 7 days) prior to the election, then the county election board may, by unanimous vote, fill a precinct election office by appointing a person otherwise eligible to serve. (HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-6-6-2; 3-6-6-4; 3-6-6-5; 3-6-6-6; 3-6-6-9; 3-6-6-11; 3-6-6-13; 3-6-6-3-6-6-23; 3-6-6-38; 3-6-6-39)

City Boundaries and Precincts

Changing the requirement that a precinct must follow a city boundary: City boundaries **may** be used when establishing precincts. However, a precinct boundary may now cross a city boundary. (HEA 1101; Effective date: July 1, 2002; Citations affected: IC 3-11-1.5-4, 3-11-1.5-5), 3-11-1.5-35)

VOTING SYSTEMS

Commission May Not Approve Use of Noncompliant Voting System

Former law that permitted the Election Commission to approve the use of a previously approved voting system after the Election Commission found that the voting system fails to meet all requirements and standards in the election code and rescinds approval of the voting system was repealed. (HEA 1101; Effective date: July 1, 2002; Citations affected: IC 3-11-7-17; 3-11-7.5-26)

Election Commission May Adopt New Voting System Standards

Current law requires that the Election Commission determine that voting systems comply with the *Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems* issued by the Federal Election

Commission in 1990 before approving the voting system for use in Indiana. The Election Commission may adopt administrative rules to require a voting system vendor to show that a new voting system meets the more recent standards adopted by the Federal Election Commission before approving the voting system for use in Indiana. This applies to voting system approvals that occur after the adoption of the new standards. (HEA 1101; Effective date: July 1, 2002; Citation affected: IC 3-11-15-13; 3-5-2-48.5)

Disability Features for Voting System

The Election Commission shall determine whether there is any voting system that provides a practical and effective means for voters with disabilities to cast ballots in private. If the Commission finds that there is such a system, then no county may purchase, lease, or lease purchase a voting system that does not provide a practical and effective means for voters with disabilities to cast ballots in private. This new provision does not apply to the purchase, lease, or lease purchase of additional or replacement components of a voting system in use in a county before January 1, 2005. (HEA 1101; Effective date: July 1, 2002; Citations affected: IC 3-11-15-13.5)

Overvote Features on Voting Systems

If a voting system **is capable** of informing a voter that the voter has cast more votes than allowed for candidates, or cast both a “yes” and a “no” vote on a public question, then these capabilities must be operable and activated during an election to inform the voter that the voter has made an error and to inform the voter how the voter may correct the error. The voting system does not have to inform the voter how the voter may correct the error if the information is provided in writing conspicuously on or near the components of the voting system where the voter votes. This does not apply to voting systems that do not have the described capability. (HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-11-15-13.7)

Appeal Of Tax Levy Limits

A county’s tax levy limitation is calculated under state law. If the county determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by state law, then the county may appeal to the department of local government finance for relief. The appeal is forwarded to the local government tax control board for consideration. The local government tax control board may make a recommendation that the department of local government finance give permission to a county to increase its levy in excess of the limitations established under state law if the local government tax control board finds that the county needs the increase to pay for a new voting system or the expansion or upgrade of an existing voting system. (HEA 1196; Effective date: upon passage; Citations affected: IC 6-1.1-18.5-13.6)

CANDIDATES

Petition Signatures for Major Party Primary Candidates for President, Senate and Governor

As a result of the 2000 census, Indiana lost one of its 10 Congressional seats. Indiana now has 9 representatives in Congress and 9 congressional districts. Under prior statute, an individual who wanted to become a major party candidate in the primary for the office of President, United States Senator, or for the office of Governor was required to file a declaration of candidacy accompanied by a petition signed by at least 5000 voters of the state, including at least 500 voters from each of Indiana's 10 congressional districts. Now a candidate must file a declaration of candidacy accompanied by a petition signed by at least 4500 voters of the state, including at least 500 voters from each of Indiana's 9 congressional districts. (HEA 1101; Effective Date: July 1, 2002; Citations affected: IC 3-8-2-8, 3-8-2-3)

Uniform Terms

The 2002 Legislature passed a joint resolution proposing to amend Article 6, Section 2 of the Constitution of the State of Indiana to permit the General Assembly to establish uniform dates for the beginning of the terms of Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. This proposed amendment has not been previously agreed to by the General Assembly so, before it becomes law, the resolution must be approved by the 2003 or 2004 General Assembly and ratified by a majority of the state's voters voting on the joint resolution as a public question on the ballot. If enacted by the General Assembly during its next session, and approved by a majority vote of the voters in the 2004 general election, the General Assembly may thereafter enact a law establishing uniform dates for beginning the terms of the above-identified county officials by establishing that the term of a county official ***elected after enactment of the law*** would be for less than four years. This would have the effect of establishing a uniform schedule of dates for the beginning of terms for the office in subsequent elections. (Senate Joint Resolution 12)

CAMPAIGN FINANCE

Statement of Organization

Clarification that a committee is required to file its statement of organization not later than the earliest of the following: 1) Noon 10 days after the final date or hour for filing a declaration, petition, or certificate of nomination or selection to obtain ballot access; or 2) Noon 10 days after a committee raises or spends more than \$100 to influence an election of a candidate for state, legislative, local or school board office or the outcome of a public question. The amendment refers to filing a statement of organization "10 days after its organization." (HEA 1101; Effective Date: July 1, 2002; Citations affected: IC 3-9-1-3)

Filing Campaign Finance Reports Electronically

The Election Division has the capability to accept electronically filed campaign finance reports. Campaign finance reports that are electronically filed with the Election Division, or with a county election board that has the capability of accepting campaign finance reports electronically, are considered "filed" on the date and the time electronically recorded by the Election Division's computer system or the date and time electronically recorded by the county election board's computer system if its system has the capacity to do so. If the county election board's computer system does not have the capacity to accept campaign finance reports electronically, or does not have the capacity to electronically record the date and time of campaign finance reports submitted electronically, then campaign finance reports may not be electronically filed with the county election board. (HEA 1101; Effective date: July 1, 2002; Citations affected: IC 3-5-2-24.5; 3-9-4-4; 3-9-5-7)

Administratively Disbanding a Committee

Under prior law, a campaign finance committee could not be administratively disbanded unless the Election Commission or county election board found that the campaign finance committee owed no debts to any person other than a civil penalty assessed by the Commission or county election board or a debt owed to a candidate who served as chairman or treasurer of the candidate's committee. The Commission and county election board may now administratively disband a committee that owes debts. However, prior to issuing an order administratively disbanding a campaign finance committee, the Election Commission or county election board must find with respect to the debts that, according to the best evidence available, the dissolution of the campaign finance committee will not impair any contract or impede the collection of a debt or judgment. (HEA 1101; Effective Date: July 1, 2002; Citations affected: IC 3-9-1-12)

MICELLANEOUS TECHNICAL CHANGES

Absentee Voting

Correction of erroneous reference relating to absentee voting to clarify that absentee ballots voted in front of a traveling board or voted in person in the clerk's office or at a satellite facility must bear the clerk's official seal and signature or facsimile signature and be initialed by: 1) the members of the absentee traveling board; or 2) the county election board or the board's designated representatives. (HEA 1101; Effective date: July 1, 2002; Citations affected: IC 3-11-10-27)

Voter's Bill of Rights

The election commission shall formulate a statement of a "voter's bill of rights." The voter's bill of rights must contain a statement:

1. of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration;

2. describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote;
3. that if a person meets the qualifications and circumstances described in (1) and (2) may vote in the election;
4. describing how a voter who is challenged at the polls may be permitted to vote;
5. informing the voter what assistance is available to assist the voter at the polls;
6. informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot;
7. describing which voters will be permitted to vote at the closing of the polls; and
8. of other information that the commission considers important for a voter to know.

The Commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other materials that are given to voters. The secretary of state or other state agency posting election information on the state's Internet site shall include the voter's bill of rights on the site. In addition, not later than 30 days before a primary, general, or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in the public service announcements. (HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-5-2-50.4; IC 3-5-8)

Vacancies in Town Council

A town council may hold a meeting on its own motion, or in response to a petition, to determine if a vacancy exists on the town council because a member has resigned, died or ceased to be a resident of the town or district as required by law. If reasonably satisfied that a vacancy exists, the town council may, by affirmative vote of a majority of members appointed to the body, declare a vacancy and the town clerk-treasurer shall give the circuit court clerk notice of the determination not later than 5 days after the date of determination.

The circuit court clerk shall give notice to the county chairman if a political party caucus is required to fill the vacancy. The county chairman who receives notice shall call a caucus that shall meet not later than 30 days after the county chairman receives notice of the vacancy. The caucus may meet before receiving notice if the chairman receives prior notice that a vacancy is due to death. If the caucus fails to meet and select someone to fill the vacancy within 30 days of

notice to the county chairman, or the vacancy is not one filled by political party caucus, the town council shall fill the vacancy.

The member who is alleged to have vacated the member's seat may participate in the meeting as a member, but may not vote on the issue. If the member does not participate, the town council shall mail the member notice of its determination. The member may file an action with the circuit court of the county where the town is located. (HEA 1104; Effective Date: July 1, 2002; Citations affected: IC 3-13-9-4; 3-13-11-3; 3-13-11-3.5; 5-8-5)

Qualification of Political Appointee

Whenever a statute requires that an appointment to a board of a political subdivision (including a county, city or town) be conditioned upon the political affiliation of the appointee, or that the membership of a board not exceed a stated number of members from the same political party, that the political party affiliation of the prospective appointee is determined by one of the following: 1) the most recent primary vote in which the prospective appointee voted; 2) if the appointee has never voted in a primary election, then the party that the prospective appointee claims affiliation; 3) the appointee is certified by the county chairman in the county where the appointee resides. (HEA 1101; Effective date: July 1, 2002; Citations affected: IC 36-1-8-10)

Faxed Ballot Applications

The term "fax" is defined to clarify that the term refers to the transmission of information by facsimile (fax) machine. A county election board is required to transmit and accept absentee ballot applications by fax. (HEA 1101; Effective date: January 1, 2003; Citations affected: IC 3-5-2-23.7; 3-11-4-3; 3-11-4-4)

Adjustment of Laws to Reflect 2000 Census Numbers

Population parameters are changed in many state laws to reflect the population count determined in the 2000 decennial census. The term "population" as used in Indiana statutes is redefined. Statutes tied to the number of congressional seats Indiana had prior to the census (10) are amended to reflect the loss of one congressional seat after the 2000 census. The former law that provides that a special census or special tabulation may not take effect during the period beginning when the result of a decennial census is reported to the governor and the first date precinct establishment orders may become effective is repealed. (SEA 399)